

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

REC'D 13 DEC 2005

WPO

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 12276351	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/AU2004/001099	International filing date ( <i>day/month/year</i> ) 17 August 2004	Priority date ( <i>day/month/year</i> ) 19 August 2003	
International Patent Classification (IPC) or national classification and IPC <b>Int. Cl.</b> <sup>7</sup> G06F 17/30			
Applicant RAPID INTELLIGENCE PTY LTD et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a.  (*sent to the applicant and to the International Bureau*) a total of 11 sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b.  (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 17 June 2005	Date of completion of the report 30 November 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>DALE SIVER</b> Telephone No. (02) 6283 2196

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001099

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1 (b))

publication of the international application (under Rule 12.4)

international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages 1-59 as originally filed/furnished

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

the claims:

pages as originally filed/furnished

pages\* as amended (together with any statement) under Article 19

pages\* 60-70 received by this Authority on 20 June 2005 with the letter of 20 June 2005

pages\* received by this Authority on with the letter of

the drawings:

pages 1/5 to 15/15 as originally filed/furnished

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages

the claims, Nos.

the drawings, sheets/figs

the sequence listing (*specify*):

any table(s) related to the sequence listing (*specify*):

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages

the claims, Nos.

the drawings, sheets/figs

the sequence listing (*specify*):

any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001099

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims 1-86,88-91	YES
	Claims 87	NO
Inventive step (IS)	Claims 1-86,91	YES
	Claims 87-90	NO
Industrial applicability (IA)	Claims 1-91	YES
	Claims	NO

## 2. Citations and explanations (Rule 70.7)

D1 WO 2002/080550 A1 (BRITISH TELECOM) 10 October 2002  
 D2 US 2002/0091835 A1 (LENTINI et al.) 11 July 2002  
 D3 EP 1094408 A2 (LG ELECTRONICS INC.) 25 April 2001  
**D4 WO 2001/044992 A1 (YELLOWBRIX, INC.) 21 June 2001**  
 D5 US 2001/0047357 A1 (VAITHILINGAM et al.) 29 November 2001  
 D6 EP 1223757 A2 (METABYTE NETWORKS, INC.) 17 July 2002  
 D7 US 2002/0193066 A1 (CONNELLY) 19 December 2002  
 D8 EP 1315110 A2 (WebTV Networks, Inc.) 28 May 2003  
 D9 WO 2002/043353 A2 (MYDTV, INC.) 30 May 2002

Novelty (N)

D1 discloses "content definition" explicitly (see abstract and elsewhere). The content definition is used to control the presentation of content (eg. video on demand or news feed). D1 does not disclose "content definition being modified by modifying the parameters in accordance with weightings, the weightings being indicative of the ability of content defined by the parameters to meet predetermined objectives". Claim 1 is novel in light of D1.

Similarly for many of the amended claims the feature added from original claim 6 and the like is not found in any one of the citations.

Goal seeking or "targeted advertising" with feedback is disclosed in D4 and D8. D8 also discloses weighting parameters associated with modifying the content definition. Finally D8 specifically discloses modifying the weightings based to control "frequency of presentation". The failure (in claim 87) to fully define the invention renders claim 87 not novel in light of D8.

Inventive step (IS)

The feature of modifying the "content definition" in accordance with weightings, the "weightings being indicative of the ability of content defined by the parameters to meet predetermined objectives" appears from reading the description and the prior art to be essential to the "inventive concept".

Claim 87 lacks an inventive step when D8 is taken alone. Some prior art content management systems had "weightings" that were not necessarily indicative of the ability to meet predetermined objectives. They may have been parameters and weightings that were also unrelated to the "objective" or goal of the content presentation. Claims which define the weighting indicative of the ability to meet the objective feature are considered to involve an inventive step. Claims 87-90 also lack an inventive step when D8 is combined with D1.

Industrial applicability (IA)

The method, system and apparatus disclosed has an industrial application (eg. content management).